

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 NICOLE CHRISTINE FOLLOWILL,

Case No. 2:21-cv-00283-RFB-BNW

4 Plaintiff,

ORDER

5 v.

6 B. WILLIAMS, et al.,

7 Defendants.
8

9 **I. DISCUSSION**

10 This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. §
11 1983 by a state prisoner. On February 23, 2021, the Court ordered Plaintiff to file a
12 complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No.
13 3.) On April 12, 2021, Plaintiff filed a motion for a status update stating that a \$400 check
14 had been mailed from her inmate account on February 25, 2021. (ECF No. 4.) Plaintiff
15 asked whether the Court had received her payment, and whether she had to mail another
16 check for \$2. (*Id.*) The Court notes that the filing fee for civil cases increased from \$400
17 to \$402 on December 1, 2020. It appears that Plaintiff was not aware of this change.

18 On May 3, 2021, Plaintiff filed a state court application to proceed *in forma*
19 *pauperis*. (ECF No. 6.) The Court denies Plaintiff's application to proceed *in forma*
20 *pauperis* without prejudice. As the Court explained in its previous order (ECF No. 3), to
21 apply for *in forma pauperis* status, Plaintiff must submit all three of the following
22 documents to the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
24 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
25 page 3),

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
27 official (i.e. page 4 of this Court's approved form), and
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1 (3) a copy of the inmate's prison or jail trust fund account statement for the
2 previous six-month period.

3 The Court has received Plaintiff's \$400 payment. However, Plaintiff must pay the
4 \$402 filing fee in full or file a complete application to proceed *in forma pauperis*. The
5 Court grants Plaintiff an extension until July 1, 2021, to pay the remaining \$2 towards the
6 filing fee or file a complete application to proceed *in forma pauperis*. Absent unusual
7 circumstances, the Court will not grant an extension of this deadline. If Plaintiff fails to
8 pay the remaining \$2 or file a complete application to proceed *in forma pauperis*, this case
9 will be subject to dismissal without prejudice. If Plaintiff chooses to pay the remaining \$2
10 towards the filing fee, Plaintiff should file a notice with the Court indicating that she has
11 paid the remaining \$2.

12 In her motion for a status update, Plaintiff also requested that mail from the Court
13 be marked as privileged. (ECF No. 4.) The Court notes that "[m]ail from the courts, as
14 contrasted to mail from a prisoner's lawyer, is not legal mail." *Keenan v. Hall*, 83 F.3d
15 1083, 1094 (9th Cir. 1996) *opinion amended on denial of reh'g*, 135 F.3d 1318 (9th Cir.
16 1998). Court orders are a matter of public record, and Plaintiff provides no basis for her
17 request to have mail from the Court marked as privileged. As such, the Court denies
18 Plaintiff's request without prejudice.

19 **II. CONCLUSION**

20 For the foregoing reasons, it is ordered that Plaintiff's application to proceed *in*
21 *forma pauperis* (ECF No. 6) is denied without prejudice.

22 It is further ordered that on or before July 1, 2021, Plaintiff will either pay the
23 remaining \$2 toward the filing fee for a civil action or file a complete application to proceed
24 *in forma pauperis*.

25 It is further ordered that if Plaintiff fails to timely comply with this order, this case
26 will be subject to dismissal without prejudice.

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1 It is further ordered that Plaintiff's request to have mail to sent to her from the Court
2 marked as privileged (ECF No. 4) is denied without prejudice.

3 DATED May 7, 2021.

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5 UNITED STATES MAGISTRATE JUDGE
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